

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL  
COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-  
EDUCATIONAL SPECIALISTS**

**IN THE MATTER OF:**

**MARY S. CUMMING, Ed.D.  
License No. LPC.5314 PC**

**CONSENT AGREEMENT**

**OIE # 2011-19**

Respondent.

By agreement of the State Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists of South Carolina [hereinafter "the Board"] and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(f) (1976, as amended), in lieu of, *inter alia*, a hearing before a hearing officer or panel appointed by the Commission. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization, filing, and service of a Formal Complaint and formal hearing procedures.

**FINDINGS OF FACT**

1. Respondent is a citizen and resident of South Carolina who is a licensed professional counselor in Illinois. Respondent admits that she is licensed to practice as a Licensed Professional Counselor in the State of South Carolina as of August 17, 2011 and the Board has jurisdiction over this matter.
2. On or about January 2011, before Respondent received her counselor license, she received a Cease and Desist Order for her representation and practice as a Licensed Professional Counselor in the State of South Carolina.
3. Respondent admits that she has committed misconduct by engaging in the following acts:
  - a. Respondent admits that in 2010 she represented herself, in part, as that of a Licensed Professional Counselor, when in fact her application for a license in the State of South Carolina had yet to be approved by the Board.
  - b. On Complainant's first visit, Respondent gave her a business card that stated she was a licensed professional counselor and listed her South Carolina address and

"The Family Doctor" as the location. This was misleading because at the time, Respondent was licensed only in Illinois.

- b. Respondent admits that on June 29, July 6, July 12, August 21, September 4, and September 9, 2010, she billed complainant for "individual psychotherapy."
  - c. Respondent states that she has been representing herself individually as a mediator. However, the letterhead for her business, "The Family Doctor" states "The Family Doctor Marriage/Family Counseling Addictions Counseling."
  - d. Respondent had complainant sign a release that provided her business was in the process of obtaining licensure, but failed to disclose that Respondent individually lacked a license to practice as a Licensed Professional Counselor. Respondent's release was misleading because South Carolina does not license counseling facilities; rather the State only licenses individuals.
  - d. On March 16, 2011, Respondent was named as the counselor for co-parenting sessions in a Final Agreement for a child custody case adjudicated in Greenville County Family Court. The order provides in part: "Mother and father shall have. . . counseling session with Dr. Mary Cumming until the counselor. . . ." This shows that the court was under the impression Ms. Cumming was a counselor.
4. Respondent waives any further findings of fact with respect to this matter.

#### **CONCLUSIONS OF LAW**

- 1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under S.C. Code Ann. § 40-75-110 (as made applicable by S.C. Code Ann. § 40-75-580). Respondent further admits that a result of the admissions herein, Respondent has not complied with the statutes and regulations that govern the practice of professional counseling in South Carolina, as alleged and evidenced by the following:
  - a. Respondent admits that her actions in this matter constitute a violation of S.C. Code Ann. § 40-1-110(1)(f) in that through her misrepresentation regarding her mediation and counseling services, Respondent has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public; and
  - b. Respondent's actions in this matter constitute a violation of S.C. Code Ann. § 40-75-30 (A)(10) which provides: "It is unlawful for a person to practice as a professional counselor . . . as defined within this article in this State without being licensed in accordance with this article;" and

- c. Respondent's actions constitute a violation of S.C. Code Ann § 40-75-30(C) which provides: "A person is guilty of practicing without a license if the person represents himself or herself to be a professional counselor by the use of any title or description of services which incorporates the words 'licensed professional counselor', 'professional counselor', or 'licensed counselor' without being licensed by the board;" and
  - d. Respondent's actions in this matter constitute a violation of S.C. Code Ann. § 40-75-110 (A)(8) in that through her misrepresentation regarding her counseling services, Respondent violated the code of ethics adopted by the board in regulations; and
  - e. Respondent admits that her actions in this matter constitute a violation of S.C. Code Ann. Regs. 36-19(A) in that through her misrepresentation regarding her mediation and counseling services, Respondent failed to avoid behavior that is clearly in violation of accepted moral and legal standards.
2. Respondent hereby waives any further conclusions of law with respect to this matter.

**THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT:**

- 1. The Respondent's license shall be publicly reprimanded.
- 2. Respondent's license to practice in this State is **suspended for three (3) years**. The suspension may be stayed and be placed in a probationary status for a period of not less than **three (3) years**, with the following specified conditions:
  - a. Respondent shall pay, within sixty (60) days of the execution of this Consent Agreement by the Board Chairman, a civil penalty of One Thousand (\$1,000.00) dollars. Said penalty shall not be deemed paid until received by the Board in the form of a money order or cashier's check.
  - b. Respondent must attend a Board-Approved course in Ethics and provide written documentation to the Board or its designee **within one (1) year** from the date of the Board's action on this Agreement. The contact hours received for this course will not be computed in the calculation of total contact hours required for licensure or renewal.
- 3. The Respondent acknowledges that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. The Respondent understands and agrees that by entering into this Consent Agreement the Respondent voluntarily relinquishes any right to judicial review of the Board's action(s) which may be taken concerning any related matters



4. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately administratively suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
5. The Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. The Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law. The Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.
6. The Respondent shall promptly advise this Board in writing of any changes in address, practice, privileges, professional status, or compliance with this agreement. Correspondence and copies of reports, notices and payments of civil penalties mentioned herein shall be directed to:

S.C. Labor Licensing and Regulation  
ATTN: Board of Examiners for the Licensure of Professional Counselors,  
Marriage and Family Therapists and Psycho-Educational  
Specialists – Compliance  
PO Box 11329  
Columbia, S.C. 29211-1329
7. The Respondent understands and agrees that if this Consent Agreement is approved, it shall become a public document under the South Carolina Freedom of Information Act § 30-4-10, et seq.
8. This Consent Agreement shall take effect immediately upon receipt of a fully executed copy by the Respondent or counsel for the Respondent.

*(Signatures on following page)*

AND IT IS SO ORDERED.

STATE BOARD OF EXAMINERS FOR THE  
LICENSURE OF PROFESSIONAL  
COUNSELORS, MARRIAGE AND FAMILY  
THERAPISTS, AND PSYCHO-  
EDUCATIONAL SPECIALISTS

10/2/2012  
Board Approval Date

  
DANNY L. GARNETT, D.M, LMFT  
Vice-President of Board

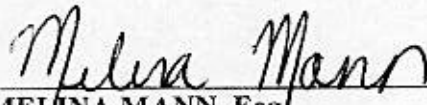
WE CONSENT:

  
MARY S. CUMMING, Ed.D.  
Respondent

9/3/12  
Date

  
WITNESS (or ATTORNEY, if any)

9/6/12  
Date

  
MELINA MANN, Esq  
General Counsel  
S.C. Department of Labor, Licensing & Regulation  
PO Box 11329  
Columbia, SC 29211-1329  
(803) 896-4475

9/11/12  
Date